

Young Agrarian Network of BC

<http://youngagrarians.org/>



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To: Deputy Minister of Agriculture and the BC Ministry of Agriculture

RE: Consultation on Potential Changes to the *Agricultural Land Commission Act*: Agricultural Land Reserve Use, Subdivision and Procedure Regulation

Land for agricultural production and traditional food gathering and hunting activities is fundamental to the advancement of the agricultural sector in British Columbia. This requires the protection of and accessibility to BC's farmland by farmers and requires the protection of and recognition of the rights of First Nations across BC to traditional food gathering lands.

The agricultural sector and the farmland that is the foundation of this sector play a critical economic, ecological and cultural role in British Columbia. The ALR and ALC have played a fundamental role in protecting agricultural land and it is absolutely essential that the ALR and ALC remain dedicated to and have the regulatory capacity to continue protecting agricultural lands for primary agricultural production.

Young Agrarians is a non-profit program dedicated to growing and supporting the young, beginning and new farm entrants in British Columbia. Young Agrarians has been working on engaging and supporting new and beginning farmers in BC since 2012. The project was founded in response to the need for a new generation of farmers in Canada. Young farmers have been on the decline in British Columbia and Canada for several decades while the average age of the farm population has been on the rise. New farm entrants and beginning farmers face significant barriers to entering the agricultural sector in BC and there is an overwhelming need for support for new and young farmers entering farming.

Access to land is a widespread barrier to new and beginning farmers in British Columbia. Over the course of working with farmers across British Columbia, we have learned first hand that many new farmers are facing difficulty securing land to start an operation and/or many farmers are in tenuous land leasing/sharing agreements that are not secure and do not tend towards long term successful farm enterprises. In a 2013 survey of new and beginning farmers in BC conducted with the support of researchers from UBC, respondents indicated that the cost of land and the lack currently available farmland are highly significant barriers to entry. In this same survey respondents indicated that farmland protection programs are a highly valued resource for ensuring the success of new generations of farmers.

The continuity of a viable agricultural sector in BC requires both new generations of farmers and access to farmland. The ALR and ALC play an essential role in protecting farmland and ensuring land availability for new generations of farmers. Along with protecting the farmland, the ALR must ensure farmland is being accessed by farmers for farming through the enforcement of effective regulations that ensure farm-uses on farmland and prohibit non-farm uses of farmland. Non-farm uses and development on agricultural land drive up the cost of the land

which is already a major barrier to ensuring continued entry and success of young and beginning farmers in BC. Non-farm uses of farmland in the ALR also results in reduced availability of our limited farmland for access and farm-use by farmers, again already a current barrier identified by new farmers in BC.

Considering the challenges that are already faced with respect to land access for agriculture in the province, *we very strongly recommend that any significant non-farm uses continue to be limited through legislation and that any non-farm permitted uses must continue to go through a rigorous review process independently overseen by the ALC for both Zone 1 and Zone 2 ALR lands.* We do not support the placement of decision making power in the hands of regional panels as per Bill 24 and request that provincial oversight through the ALC be reinstated.

We would like to emphasize our strong opposition to the allowance of “non-agriculture related businesses...such as certain oil and gas ancillary services” on Zone 2 ALR land without requiring approval of the ALC. We do not agree with this. Oil and gas extraction (and the array of other land uses that may fall into the category of ‘non-agriculture related business’) have serious impacts on the current and future agricultural uses of the land, as well as serious implications for the surrounding communities and ecologies and should absolutely not be a permitted use in Zone 2 or Zone 1 ALR land.

The Young Agrarians network was formed in 2012 and has grown dramatically across the province and various regional networks have now been established. Young Agrarians has had a 400% increase in growth over its first two seasons and sees no signs of slowing down. The BC Young Farmers Forum (BCYF) is also a network that supports young farmers in the province that has seen growth in its membership in recent years. A program to help support new and beginning farmers in the Prince George region was established through Community Futures Prince George and has seen great success and growth in its programming and reach.

There are young, beginning, and new farmers that want to farm in British Columbia. The protection and accessibility of farmland for farm-use is essential to the success of new generations of farmers and the continuity of the farming sector is an economic and ecological asset to the population of British Columbia as a whole. In our opinion, Bill 24 and the proposed changes to the ALR and ALC will be a disservice to the future of farming and farmers in BC.

Direct responses to your provided questions are below. However, while you have asked us to reflect and provide feedback on a certain set of questions we do not think this process and the selected questions are adequate. Other than question 7 (*Should the parameters be expanded for when non-agriculture related businesses are allowed to operate on ALR properties in Zone 2*) to which our answer is a firm NO, the rest of the questions are detail oriented and overlook consultation on the significant issues at hand – that of legitimate public consultation process on Bill 24, the devolution of decision making to regional panels, the extensive widening of permitted uses on ALR land to non-farm uses, the establishment of the two zones, and the lack of First Nations input on land use legislation affecting significant amounts of First Nations’ territory.

We recognize the value in updating the ALR legislation, but the way in which the government has approached this issue, drafted and passed Bill 24 behind closed doors without sufficient public input, is of serious concern to us. The Young Agrarians network, like the farming community, is diverse and it is important to us that the voices of farmers from across our provincial network and the voices from farming communities across the province be included in all aspects of the process to update the ALR. We request an expanded and inclusive consultation process before any changes be implemented by the Ministry of Agriculture.

In summary, the Young Agrarians requests the following:

- 1. An open, inclusive consultation process on the fundamental changes of Bill 24, with communities across the province and the inclusion of First Nations and farmers in all regional consultations before any changes to the ALR and ALC are made.**
- 2. Decision making power over permitted land uses on ALR land remains within an independent ALC at the provincial level, or:**
- 3. If there are regional panels, the selection process and decision making processes for these panels be prescribed by the ALC and be transparent to the public**
- 4. The following added decision making factors for Zone 2 - “Economic, cultural and social values; Regional and community planning objectives; and Other prescribed considerations” – either be removed or be clearly defined in consultation with community stakeholders and the ALC before being put into practice**
- 5. Maintenance of a single provincial zone protecting the agricultural/traditional food provisioning value of the land**
- 6. Any non-farm uses that limit current or future farm-uses and/or limit the current availability of land to farmers for farming on the land are prohibited on ALR land**

Specific answers to the consultation questions follow:

Farm Use

Q 1) Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?

Keep a maximum land area limitation that the on-farm food storage, packing, processing and retail facilities can occupy – could be in proportion to the amount of land being farmed.

Maintain a prescribed minimum proportion for product coming from the farm on which facility is located to avoid the potential for having facilities on ALR land that is then not being farmed. To further allow for regional cooperative/joint facilities on farmland – have a regulation that no more than 50% of primary product can come from outside of a maximum distance or defined region. Do not allow for 100% of the primary product to come from anywhere in the province – there needs to be a mechanism to ensure that the farm is actively farmed and not just a storage/processing/retail facility and a mechanism to ensure that the facility is dealing with food produced on site and from the surrounding area – not just bringing in and selling as much as it wants from across the whole province.

Q 2) Should breweries, distilleries and meaderies be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed?

Keep the a maximum square footage and a high requirement for the amount of agricultural product grown on site. If the brewery/meadery/distillery is going to solely source primary agricultural product from other farms it should not be located on farmland.

Q 3) Should the allowable footprint for consumption areas (or ‘lounges’) ancillary to wineries and cideries (and potentially also breweries, distilleries and meaderies) be increased, and if so on what basis?

No, not without application to the ALC. And if there is a limit increase, it should require that the productive area of the farm be a certain size in relation to the consumption areas and/or revenue from primary farming activity be a minimum in relation to revenue from the ‘lounge.’ Need way to prevent loophole allowing creation of restaurants/bars/lounges on farmland that is not really being farmed.

Q 4) To what extent should wineries and cideries (and potentially breweries, distilleries and meaderies) be allowed to sell alcohol that was produced elsewhere in BC, not at the winery or cidery?

Should be limited. Sales of alcohol produced in BC on the farm must be limited to a pre-determined and small proportion of total sales where rest of sales consists of product from the farm.

Permitted Use

Any permitted uses that inhibit the use of agricultural land for primary agriculture now or in the future should NOT be allowed with or without application in either zone.

Q 5) Should anaerobic digesters be permitted in the ALR if the inputs are generated from farming activities?

Should be permitted *with approval from the ALC* and with the establishment of appropriate regulations around the size and use of digesters. Majority of inputs must come from the farm and the digester should contribute to the functioning of the farm and should be a limited footprint. Large anaerobic digesters sourcing inputs from various places can be located on industrial land.

Q 6) Should on-farm cogeneration facilities be permitted on farms where a portion of the energy created is used on-farm?

Yes, however there must be a minimum requirement for energy created to be used on site for primary agricultural production. Regulations regarding size of facility in comparison to productive activities (ex. sq. footage of greenhouses) should be put into place. Cogeneration facilities should be a permitted use, but to ensure adequate regulation and that those regulations are met, the construction of on-farm cogeneration facilities *should be regulated by and require application to the ALC.*

Q 7) Should the parameters be expanded for when non-agriculture related businesses are allowed to operate on ALR properties in Zone 2?

NO.

Oil and gas development should not be a permitted use on ALR land.

Furthermore the wording “to expand opportunities for a broader range of land-based non-agricultural businesses, such as certain oil and gas ancillary services,” is incredibly vague and could allow for many activities that do not support the agricultural use of agricultural land.

Opportunities to expand land-based non-agricultural businesses should be limited in both zones and should definitely have to be approved by the ALC.

Sub-division

Q 8) Should the subdivision of ALR properties in Zone 2 to a minimum parcel size of a quarter section be allowed without an application to the ALC?

It should be allowed *with an application to the ALC* demonstrating the benefits of the subdivision for agricultural use of the land and demonstrating that the subdivided parcels are going to be actively farmed. It is recognized that smaller parcels of land can enable entry of more farmers into agriculture – however there is a need to ensure that the subdivision of Sections of land into quarter sections is not the first step in the process of turning farmland into residential/cottage properties.

Q 9) Should the subdivision of ALR parcels in Zone 2 that are of a defined size, and that are divided by a major highway or waterway, be allowed without an application to the ALC?

No, - same as above answer – subdivisions should be approved by ALC, should only be allowed if it is demonstrated that it is of benefit agriculturally, and regulatory mechanism be established to inhibit residential encroachment on ALR land if subdivided

Agri-tourism

Q 10) Should greater clarity be provided on what constitutes an agri-tourism activity that is allowable in the ALR without an application, and if so what parameters should be established?

Yes – consult with relevant stakeholders – farmers and municipalities

Agri-tourism activities must be directly related to and support the primary production systems on the farm

Accommodations and bed-and-breakfasts should continue to be regulated by the ALC

Leasing land

Q 11) Should temporary leases of portions of a property in Zone 2 of the ALR be allowed without an application to the ALC for:

(a) intergenerational transfer of an active farm or ranch operation; and/or

Yes, with appropriate (pre-established) guideline and so long as the subdivision is not permanent and the retiring farmer cannot turn around and sell their house and land for residential use.

Need to establish clear guidelines on what constitutes an intergenerational transfer. What is defined as intergenerational? What age can retirement occur at? For how long do the parties need to commit to the agreement? If after a few years one of them wants out what happens to the land? If the subdivision is not permanent, what happens to the second dwelling where the retired farmer resided once she passes on?

Limit footprint of second dwelling. Need to consider way to ensure that the second house is not just rented to a non-farm family later down the road resulting in an effectively subdivided farm property. Consider use of a covenant ensuring that the property cannot be subdivided. Limit the use of the both residences to farmers - cannot be a residential rental unit.

There is a need to facilitate and support intergenerational farm transfers, both between family members and between unrelated individuals. The development of a mechanisms to allow intergenerational transfer involving more than one party living on the land is needed, but also needs to be carefully developed with appropriate restrictions to prevent subdivision and loss or fragmentation of land.

(b) to encourage the use of otherwise unfarmed land by existing or new farmers?

Yes, so long as it is not subdivided. Could allow for impermanent dwellings (ex. small trailer) if they are being lived in by the primary farm operator of the leased land. Lack of housing on the land is often a barrier to beginning farmers leasing land.